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NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

DEYBI ALEXANDER MELGAR-
ANTUNEZ,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-71864

Agency No. A55-860-716

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 10, 2008**

Before: T.G. NELSON, TASHIMA and BYBEE, Circuit Judges.

The motion to proceed in forma pauperis is granted. The Clerk shall amend
the docket to reflect this status.

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

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Petitioner's motion to accept the late-filed response to this court's December 10, 2007 order to show cause is granted. The Clerk shall file the response.

The court concludes that summary disposition is appropriate in this case because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The Board of Immigration Appeals did not err when it determined that petitioner was ineligible for cancellation of removal because, as of the date of the notice to appear, petitioner had not been "lawfully admitted for permanent residence for not less than 5 years." *See* 8 U.S.C. § 1229b(1). Accordingly, this petition for review is denied.

All other pending motions are denied as moot. The temporary stay of removal confirmed by Ninth Circuit General Order 6.4(c) shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.